

FARMINGTON CITY
PLANNING COMMISSION MEETING
March 9, 2017

STUDY SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Kent Hinckley and Rebecca Wayment were excused.*

Item #3. Chase Freebairn / Ivory Homes – Requesting Final Plat Approval for the Davis Creek Conservation Subdivision

Eric Anderson said this item is for the Davis Creek Conservation Subdivision final plat. He said this application does not include the previous commercial aspect of it, but is solely residential. He said there are approximately 15 lots, and all lots meet the minimum size requirement for conservation subdivisions. **Eric Anderson** said the applicant met all standards required, and that the applicant received a waiver from the City Council for the 30% open space requirement for a conservation subdivision. He said there are a few outstanding items that have been addressed in the conditions, including payment to the City for the previously negotiated price of the open space waiver and an off-site easement for the storm drain line prior to recordation.

In reference to the staff report, **Heather Barnum** asked why future homeowners will have to compensate Ivory Homes back when they build out their property. **David Petersen** explained that Ivory Homes will be fully improving 475 W. so future property owners on the west side of the street can have the ability to develop their property. He said a “pioneering agreement” says if a property owner develops, the property owner will be required to pay their half of the road back to the developer that improved it when their property is developed in the future.

Item #4. Brady Nowers / Questar Gas (Public Hearing) – Requesting Conditional Use Permit Approval to Locate a Temporary Construction and Staging Yard

Eric Anderson said the area in question is currently being used as a construction storage yard, but that this request is making it official. He said Questar is replacing a high-pressure gas line throughout the County, and Farmington is the section Questar is working on right now. **Eric Anderson** said a condition to the motion has been added that the applicant will need to submit a separate application if he wants a construction trailer on site. **Heather Barnum** asked why the option of a construction trailer could not be part of the application before the Commission. **Eric Anderson** said the applicant is unsure at this time if he will need a construction trailer on site, and requesting one may need additional documentation that could hold the application up.

Item #5. Raphael Nadeau (Public Hearing) – Requesting Conditional Use Permit Approval to Build a Secondary Dwelling Unit Over an Attached Garage

Eric Anderson said the applicant is seeking approval for a secondary dwelling unit; it is not an accessory dwelling unit because the dwelling unit is part of the home. He reviewed the definition of the secondary dwelling as found in the Ordinance. He said the Commission may want to ask the applicant

where he intends to build the stairwell to the secondary dwelling unit to ensure the applicant can meet the setback requirements. He said in order to approve the building permit for the secondary dwelling unit, the applicant will have to meet all setback and height requirements.

Connie Deianni asked if the secondary dwelling unit can be rented out to a non-related person. **David Petersen** said the Ordinance allows the secondary dwelling unit to be rented to a non-related person if the owner lives on site. **Bret Gallacher** asked if there will be an separate entrance on the outside for the dwelling unit. **Eric Anderson** said yes, there will be stairs leading up to the separate entrance. He said the applicant will still have to apply for a building permit, which means the dwelling unit will be reviewed to ensure it complies with requirements. **Eric Anderson** also pointed out that the social fabric of communities do well with things like secondary dwelling units because it creates “invisible density,” which means there is population growth without having to create additional housing. He said it is an efficient use of space and does not have a large traffic impact.

REGULAR SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Kent Hinckley and Rebecca Wayment were excused.*

Item #1. Minutes

Alex Leeman made a motion to approve the Minutes from the February 23, 2016 Planning Commission meeting. **Connie Deianni** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the March 7, 2017 City Council meeting. He said the City Council swore in the new Youth City Council. He said Joel Anderson’s Held Subdivision Plat Amendment, the Site Plan/Project Master Plan (PMP) Amendment for Station Park, and Jerry Preston’s Smith Homestead Final PUD Master Plan was all approved. He said there was a discussion regarding the Mountain America Credit Union, which the Commission and staff will also discuss.

SUBDIVISION

Item #3. Chase Freebairn / Ivory Homes – Applicant is requesting final plat approval for the Davis Creek Conservation Subdivision consisting of 15 lots on 9.5 acres of property located at 475 West Glover Lane in an AE (Agriculture Estates) Zone. (S-9-16)

Eric Anderson said the applicant is proposing a residential subdivision on property that is currently zoned AE. The applicant is proposing a conservation subdivision with a minimum lot size of 20,000 sq. ft. He said the applicant has met all the standards for frontage and minimum lot size. **Eric Anderson** said the applicant received a waiver for the 30% open space requirement for conservation subdivisions from City Council. The applicant has reached an agreement with the City Manager on the amount for the waiver, but has not yet paid it. **Eric Anderson** said a condition to the motion has been included that states the amount for the waiver must be paid prior to plat recordation. He said the applicant must also receive an offsite easement for the storm water drain that goes between lots 12 and

13, through the Forza fields, and into the City's system. **Eric Anderson** also said there will be a "pioneering agreement" for the lots off of 475 W. He said the City asked the developer to move 475 W. to the south and west of the development to ensure other property owners are not landlocked for future development, but that leaves the developer fully improving the road at this time. The pioneering agreement will ensure property owners pay their portion of the improvements back to the developer at that time when they develop their property in the future.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, said they are working on the storm water drain easement, and will move forward once it is completed. He said they will ensure the City receives funds for the waiver of open space, and that they are still waiting on the final wording for the pioneering agreement.

Heather Barnum asked the applicant their timeline for the project. **Chase Freebairn** said they are trying to time the project with the start of the Glovers Lane improvements. He said the home located on the property will soon be demolished, but prior to that the current renter must move out, and then the Fire and Police Departments will use the home for tactical training.

Heather Barnum asked about the impact of the construction traffic on the nearby neighbors. She said in the past, the surrounding neighbors have had a lot of discussion regarding traffic concerns with the Forza fields. **Chase Freebairn** said most of the construction traffic will remain on site once construction begins, except for the occasional dump trucks bringing in fill. He said construction workers will come and go; however, it should not significantly impact 650 W. **Heather Barnum** asked the applicant to be sensitive with this concern moving forward, and to try and mitigate additional traffic where they can.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the final plat subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall record the offsite storm drain easement prior to plat recordation, as approved by the City Engineer;
2. The applicant shall address and correct all comments from the surveyor on the recorded plat;
3. The BOR easement through the site shall be abandoned prior to recordation of the plat;
4. The applicant shall pay the approved open space waiver in the agreed upon amount payable to the City prior to plat recordation;
5. Public improvement drawings, including but not limited to, a grading and drainage plan, shall be reviewed and approved by the Farmington City Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District, and the applicable secondary water district;
6. The applicant shall address any outstanding comments from the City's Development Review Committee on the plat prior to recordation.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for Approval:

1. There appears to be no sensitive or constrained lands on site worth preserving, and the 2.85 acres of open space could be better used elsewhere in the City.
2. The lot sizes exceed the minimum and average lot size required in a Conservation Subdivision for an AE zone significantly.

3. The proposal seeks to create in-fill development in an area of the City where such development makes sense, i.e. across from the new high school.
4. By moving the road to the southern and western boundaries, the proposed final plat is allowing for the future development of several adjacent property owners who otherwise might not be able to develop their long and deep parcels.
5. The applicant has addressed the majority of the conditions for approval from both the DRC on this final plat.
6. The applicant has received approval from the City Council for the cul-de-sac to exceed the dead-end street provision of 1,000 feet, because this road will provide access for neighboring properties to better utilize their long, deep parcels for future development.
7. The applicant has received approval from the City Council for the waiver of the open space provision of a conservation subdivision by a vote of more than four members.

CONDITIONAL USE PERMIT

Item #4. Brady Nowers / Questar Gas (Public Hearing) – Applicant is requesting conditional use permit approval to locate a temporary construction and staging yard while two gas lines are replaced on .87 acres of property located at approximately 700 West Glover Lane in an AE (Agriculture Estates) zone. (C-1-17)

Eric Anderson said Questar Gas is replacing approximately 25 miles of high-pressure gas lines. Currently, Questar is working on the Farmington portion. Questar is submitting an application for a construction storage yard. **Eric Anderson** said a condition to the motion has been included that if the applicant wants a construction trailer, it must be requested as a separate conditional use permit. Staff is recommending approval of this item.

The applicant was present but did not have any comments at this time. The Commissioners did have a few questions for the applicant. **Alex Leeman** asked the applicant if they will trench the entire 25 miles for the gas line.

Brady Nowers, 1140 W. 200 S., Salt Lake City, said that they will open trench approximately 70-80% of the 25 miles; however, there are certain circumstances and locations along the 25 miles where they will need to bore it. He said places like the wetlands in Farmington are an example of where they will bore it. **Bret Gallacher** asked if they are working on the Farmington section at this point, and how long the Legacy Trail will be disrupted. **Brady Nowers** said they have done some test bores in the Farmington wetlands; however, they will put crews wherever they can at the time. He said they are hoping to be done on the Legacy Trail area in April; however, they cannot do asphalt until April 15th. **David Petersen** asked if they are going to move forward on Farmington at this point, or if there are other areas they are moving forward at this time. **Brady Nowers** said they are working their way up from West Bountiful; however, there are many factors that play into it. He said there is a good chance it will be end of summer before they move forward with Farmington. **Bret Gallacher** asked how long the new pipeline will last. **Brady Nowers** said approximately 70 years.

Heather Barnum opened the public hearing at 7:22 p.m.

No comments were received.

Heather Barnum closed the public hearing at 7:22 p.m.

Alex Leeman said he is in favor of this application; the other commissioners agreed.

Motion:

Alex Leeman made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. If the applicant desires a construction trailer on site, the applicant must obtain a separate conditional use and meet all required site plan approvals for such a use;
2. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Connie Deianni seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service, which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
7. The proposed use provides adequate off-street parking, if necessary, and that parking has been removed from Glover Lane.

Item #5. Raphael Nadeau (Public Hearing) – Applicant is requesting conditional use permit approval to build a secondary dwelling unit over an attached garage on .38 acres of property located at 233 South Joy Drive in an LR (Large Residential) zone. (C-2-17)

Eric Anderson said the applicant is requesting approval for a secondary dwelling unit. He reviewed the definition of a secondary dwelling unit as found in the Ordinance. He said the applicant's home is located in the LR zone, and they are looking to extend the second story of the home over the garage to build a separate apartment. **Eric Anderson** said it is not considered an accessory dwelling unit, like what has been presented to the Commission in the past, because what is being proposed is part of the home. Staff is recommending approval of this item as it conforms to the Ordinance and does not have very low impact on the neighborhood.

Erica Nadeau, 233 S. Joy Drive, said she is available for any questions.

Bret Gallacher asked the applicant to describe the proposed secondary entrance into the secondary dwelling unit. **Erica Nadeau** said the stairs will be located next to the house going up to the

top of garage where the dwelling unit will be built. She said the secondary entrance would be located on the northwest side of the house.

Heather Barnum asked if the applicant will meet the side yard requirements for the staircase. **David Petersen** showed the applicant's lot size on a white board. He explained in the LR zone, one side of the home is required to have a 10' side setback and with the other side setback 12'. He said upon reviewing the ordinance, the applicant can construct the staircase within 6' of the side setback as long as there is 8' maintained on the other side of the home. He said since the applicant already has 12' side setback on the other side of the home, he feels the applicant should be able to meet the Ordinance requirements.

Erica Nadeau asked staff for clarification on the setbacks. **David Petersen** further explained side setbacks, and that if the Commission approves this item, her next step is to submit a building permit application. He also said the building permit application will include the standards for the secondary dwelling unit, as well as who is permissible to live there.

David Petersen passed out Section 11-28-200 of the Ordinance regarding Secondary Dwelling Units. He reviewed it with the commissioners and the applicant.

Connie Deianni asked about the parking requirements for the secondary dwelling unit, as found in in Section 11-28-200(3)c. **David Petersen** said the applicant's double driveway technically counts as four "parking spaces," which exceeds the requirement of two parking spaces for a single-family home. He said one of those "parking spaces" would need to be designated for the secondary dwelling unit for the applicant to meet the requirement.

Alex Leeman expressed concern with Section 11-28-200(3)j regarding the non-transferable nature of the conditional use permit for the secondary dwelling unit. **Heather Barnum** agreed; she feels a property owner chooses to sell, they would market the home with the secondary dwelling unit assuming the conditional use permit transfers.

Heather Barnum opened the public hearing at 7:40 p.m.

No comments were received.

Heather Barnum closed the public hearing at 7:40 p.m.

Alex Leeman asked that staff further review Section 11-28-200(3)j as part of a future omnibus zone text amendment application. He is not comfortable having a conditional use permit for a secondary dwelling unit non-transferable.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following condition that the applicant shall obtain all other applicable permits for the operation of the conditional use including but not limited to a building permit subject to all applicable building codes, and that upon further investigation, the applicant does meet all of the requirements that are listed in 11-28-200 of the Ordinance regarding secondary dwelling units. **Alex Leeman** seconded the motion. **Heather Barnum, Bret Gallacher, and Alex Leeman** voted in favor of the motion, **Connie Deianni** voted against it. The motion passed on a 3-1 vote.

Findings for Approval:

1. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
2. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
5. The proposed use will have to meet the standards for a main building in the LR zone, and cannot bring the existing home into non-compliance.

OTHER

Item #6. Miscellaneous a) Discussion of City Council memo regarding the Mountain America Credit Union application.

Eric Anderson said the City received an application for a Mountain America Credit Union (MACU) in the Park Lane Commons Phase IV. He said the applicant was seeking site plan approval; however, since the property is in the mixed-use zone, the applicant must abide by the Chapter 18 form-based code. Also, financial institutions are not allowed drive-up windows, as shown in the use table in Section 11-18-050. **Bret Gallacher** asked why drive-up windows are not allowed. **Eric Anderson** said when the Ordinance was written, financial institutions were listed as a permitted use, but they were not included as a permitted use that allows for drive-up windows. It is unsure why this is the case.

Eric Anderson said the proposed site plan falls under the Park Lane Commons development agreement, which provides flexibility, and that the development agreement allows for two drive-up windows in the Project Master Plan in the TMU zone. He pointed out that the proposed location of the MACU is found in the GMU zone so the development agreement does not help the applicant out in this situation. **Eric Anderson** said the other issues with the site plan and the form-based code requirements are that the entrance is located on a public street and the proposed building does not meet the 60% street frontage. Currently, the proposed building would only have approximately 36% street frontage.

Eric Anderson said staff wanted to bring this item before the Planning Commission and City Council to provide guidance with what they are comfortable moving forward on with the MACU. There are a few solutions staff has discussed, and staff wanted to present these options to the Commission. **Eric Anderson** presented each item, and discussed the pros and cons of each, as shown in the staff report.

Eric Anderson said the first solution is that the applicant revise the MACU site plan to conform to Chapter 18 form-based codes. He said one thought is that if the applicant (The Haws Companies) was wanting to deviate from the form-based codes, it should have been included when the development agreement was drafted. **Eric Anderson** said the second option is that the applicant and the City can agree to amend the existing Park Lane Commons Development Agreement to allow for this property to be included in it. It would give the City Council discretion over the change, while still providing a compromise for the developer. The third option would be a zone text amendment; however, doing so could open the door for other projects to take advantage of the change. It could potentially dilute the intent of the mixed-use zone. **David Petersen** cautioned the Commission that allowing a financial

institution drive-up may distract from the pedestrian friendly ambiance that the form-based codes are trying to create.

Alex Leeman said he feels there is a problem with the 60% street frontage for this building since it is located on a weird shaped lot. He is unsure how the applicant would be able to meet that requirement. He said he is not comfortable amending Chapter 18, but wondered if there is any other way to have a smaller street frontage requirement without opening the “flood gates.” **Eric Anderson** pointed out that although the lot is an irregular shape, the applicant subdivided it as such. He cautioned that although the lot is irregular and small, it was THC decision to make it that way and could be viewed as an issue of their own creation.

David Petersen asked that the Commission step back and decide if they want MACU on a prime corner of the City, and if they want to amend the Zoning Ordinance to allow for a drive-up window for a financial institution. **Alex Leeman** said he feels it would be a good location for a credit union, as he feels it would always be well maintained. **David Petersen** asked if the Commission would feel comfortable detaching the drive-up to be located behind the building as a way to compromise. Staff and the commissioners discussed this option.

David Petersen said the City Council asked staff to try and resolve the concern without a zone text change. He said there are concerns regarding the message the City may send to other developers if a zone text amendment is made to allow for this use, so that is why staff is looking at alternate options to make MACU work without a zone text amendment. **Eric Anderson** said the City Council preferred the first two options to alter the site plan or development agreement to make it work. **Bret Gallacher** said he feels the first two options seem reasonable. **Connie Deianni** said she feels having the drive-up windows separate may work, although MACU may push back because it is not cost-effective.

David Petersen said part of staff’s intention to bring this before the Commission as a discussion item was to give the commissioners an opportunity to familiarize themselves with Chapter 18 and potential issues regarding it. He said there will soon be applications presented that will address form-based codes. He also said there is no motion to be voted on at this time.

Eric Anderson said that MACU is arguing against the second door (a street front and parking lot entrances) because they say theft goes up with two entrances. He said they have not yet provided hard data showing this. **Alex Leeman** said financial institutions are commonly built with one public entrance, and a back door for staff to use. **David Petersen** said staff has talked with other credit unions regarding this concern. Many credit unions have multiple entrances; however, the credit union staff talked with that backs residential areas has had a challenging time catching criminals since the criminals disappear into the neighborhoods after the robbery. He said in this specific example, the credit union said it is not the number of entrances they have, but being located near residential housing. **Connie Deianni** said it may be an insurance requirement that they can only have one entrance. **Eric Anderson** said that may be a good reason for only one entrance; however, the applicant has not yet provided concrete evidence qualifying their assertion.

Heather Barnum asked if staff has discussed any of these options with the developer for MACU, and if the developer had any feedback. **David Petersen** said staff met with the developer, and the developer appreciated what was presented. He said the developer would like to see a zone text amendment or amending the development agreement. **Heather Barnum** expressed frustration that the developer created a lot that would not easily conform to this use or that they keep making proposals that violate the City Ordinance. She said she continually feels that the developer is looking to build the way he wants, and then comes before the City to request amendments to the standards and Ordinance. She said she may be more willing to consider this request, except that this seems to be a pattern with

this developer over and over. She does not feel there is a critical need for a credit union within the City; the City already has 3-4 credit unions here and does not feel one more will add that much more value. She said she feels if MACU would like to build in Farmington, they should be aware of the City's ordinance and be willing to abide by it. **Heather Barnum** said she is more inclined toward the first option presented by staff, and that the City ask the developer to start thinking about conforming instead of always asking to be the exception to the rule. She expressed frustration that these applications for deviations from this developer are coming time and time again. She said she feels this is a prime location, and that she doesn't think the developer will have problems finding someone that can utilize it.

ADJOURNMENT

Motion:

At 8:21p.m., **Alex Leeman** made a motion to adjourn the meeting, which was unanimously approved.



Heather Barnum
Chair, Farmington City Planning Commission